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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,093	12/30/2005	Toshiyuki Noguchi	00862.103702.	8149
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FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				TOWFIGHI, AFSHAWN M
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/563,093	NOGUCHI, TOSHIYUKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	AFSHAWN TOWFIGHI	4143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 December 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 30 December 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>2/6/2007, 1/25/2007, 06/09/2006</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .



**DETAILED ACTION**

1. Claims 1 - 24 are pending.

***Information Disclosure Statement***

2. The information disclosure statements (IDS) submitted on 6/9/2006, 1/25/2007, and 02/06/2007 are being considered by the examiner.

***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4, 10-12, and 13-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claim 1, the claim recites “a request method”. A request method is can be implemented in software. Software is not one of the statutory category subject matters. Claims 2-4 are likewise rejected.

As to claim 10, the claim recites “a program”. A program is directed to software per se. Software is not one of the statutory category subject matters. Claims 11 and 12 are likewise rejected.

As to claim 13, the claim recites “a computer-readable recording medium”. This is interpreted to include a signal or wave, because there is no evidence against it in the specification. A signal or wave is not one of the statutory category subject matters.

Claims 14 and 15 are likewise rejected.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Bernklau-Halvor (Patent No: 6,782,495), herein after Bernklau.

**As to claim 1**, Bernklau teaches a method of requesting a service associated with additional items of a device via a network, comprising (Bernklau, Col 2 Lines 14 - 20,

requesting device support solutions for a printer on a network): a step of acquiring information associated with additional items from a device (Bernklau, Col 2 Lines 24-27, information associated with the printer is gathered); a step of transmitting the information associated with the additional items to a service agent apparatus (Bernklau, Col 2 Lines 26-29, the printer sends the acquired information to the support server); a step of receiving access information for accessing a service providing apparatus, which is designated by the service agent apparatus (Bernklau, Col 2 Lines 62-65, the support server sends access information (links) to the solution service to the user); a step of receiving page information used to provide a service according to the information associated with the additional items, wherein access to the service providing apparatus is based on the access information (Bernklau, Col 2 Lines 48-65, pages are sent between the support server and the user. The support server sends access information (links) to the solution service to the user through a page displayed in a browser); and a step of requesting the service providing apparatus to provide a service based on the page information (Bernklau, Col 14 Line 18, the user requests the desired solution service by choosing the appropriate link on the page).

**As to claim 2,** Bernklau teaches the device is a printer (Bernklau, Col 2 Lines 14, a printer), the additional items include inks used by the printer, and the information associated with the additional items includes information indicating remaining levels of the inks (Bernklau, Table 1 Line 20, acquired information includes ink and ink levels).

**As to claim 3**, Bernklau teaches the device is a printer, the additional items include inks used by the printer, and the step of receiving includes receiving page information that displays icons corresponding to remaining levels of the inks from the service providing apparatus (*Bernklau, Col 2 Lines 48-65, pages are sent between the support server and the user. The support server constructs and sends access information (links) to the solution service to the user through a page displayed in a browser*).

**As to claim 4**, Bernklau teaches transmitting information associated with the device, and the service providing apparatus is designated based on the information associated with the device (*Bernklau, Col 2 Lines 44-47, the service set is selected based on the acquired information from the printer*).

**As to claim 5**, Bernklau teaches a method of providing a service associated with additional items of a device (*Bernklau, Col 2 Lines 14 - 23, requesting device support solutions for a printer on a network*), comprising: a step of receiving information associated with additional items of a device from a client terminal via an agent apparatus and a network (*Bernklau, Col 2 Lines 24- 29 and Col 14 Line 18, information associated with the printer is gathered sent to a support server (agent) then to the service when the user chooses the link*); a step of generating page information used to present a service providing page according to the information associated with the

additional items of the device to the client terminal (Bernklau, Col 2 Lines 48-65, pages are sent between the support server and the user. The support server constructs and sends access information (links) to the solution service to the user through a page displayed in a browser); and a step of transmitting the page information generated in the step of generating to the client terminal via the network, wherein the service providing apparatus is designated based on information of the device from the client terminal (Bernklau, Col 2 Lines 48-65, pages are sent between the support server and the user. The support server constructs and sends access information (links) to the solution service to the user through a page displayed in a browser).

**As to claim 6**, Bernklau teaches the device is a printer (Bernklau, Col 2 Lines 14, a printer) and the information associated with the additional items of the device includes information indicating remaining levels of inks used by the printer (Bernklau, Table 1 Line 20, acquired information includes ink and ink levels).

**As to claim 7**, Bernklau teaches generating page information that includes icons to be displayed in correspondence with the remaining levels of the inks (Bernklau, Col 2 Lines 48-65, pages are sent between the support server and the user. The support server constructs and sends access information (links) to the solution service to the user through a page displayed in a browser)

**As to claim 8**, Bernklau teaches a method of controlling an agent apparatus, which mediates between a service providing apparatus that provides a service associated with additional items via a network and a service request apparatus that requests a service (*Bernklau, Col 2 Lines 14 - 23, requesting device support solutions for a printer on a network*), comprising: a step of acquiring information associated with additional items from a device (*Bernklau, Col 2 Lines 24- 27, information associated with the printer is gathered*); a step of generating access information required to access the service providing apparatus, which provides a service based on the acquired information associated with the additional items (*Bernklau, Col 2 Lines 62-65, the support server sends access information (links) to the solution service to the user*); and a step of transmitting the generated access information to the service request apparatus (*Bernklau, Col 2 Lines 62-65, the support server sends access information (links) to the solution service to the user*).

**As to claim 9**, Bernklau teaches acquiring information associated with the device, including model information and retailer information of the device and language information of a driver of the device (*Bernklau, Col 2 Lines 24- 29 and Table 1, information associated with the printer is gathered sent to a support server (agent)*).

**As to claim 10,** Bernklau teaches a program for making a computer execute a request method of a service request apparatus according to claim 1 (*Claim 10 is dependent from claim 1 and thus rejected using the same reasoning.*)

**As to claim 11,** Bernklau teaches a program for making a computer execute a providing method of a service providing apparatus according to claim 5 (*Claim 11 is dependent from claim 5 and thus rejected using the same reasoning.*)

**As to claim 12,** Bernklau teaches a program for making a computer execute a providing method of a service providing apparatus according to claim 8 (*Claim 12 is dependent from claim 8 and thus rejected using the same reasoning.*)

**As to claim 13,** Bernklau teaches a computer readable recording medium recording the program of claim 10 (*Claim 13 is dependent from claim 10 and thus rejected using the same reasoning.*)

**As to claim 14,** Bernklau teaches a computer readable recording medium recording the program of claim 11 (*Claim 14 is dependent from claim 11 and thus rejected using the same reasoning*)

**As to claim 15**, Bernklau teaches a computer readable recording medium recording the program of claim 12 (*Claim 15 is dependent from claim 12 and thus rejected using the same reasoning*).

**As to claim 16**, Bernklau teaches transmitting information associated with the device, and wherein the access information is a Uniform Resource Locator (URL) generated based on the information associated with the device (*Bernklau, Col 2 Lines 48-65, pages are sent between the support server and the user. The support server sends access information (links) to the solution service to the user through a page displayed in a browser. URL's are links*).

**As to claim 17**, Bernklau teaches the information associated with the additional items is transmitted as an argument of a URL for accessing the service agent apparatus (*Bernklau, Col 2 Lines 48-65, pages are sent between the support server and the user. The support server sends access information (links) to the solution service to the user through a page displayed in a browser. A URL argument is used to communicate the information between device and server. URL's are links*).

**As to claim 18**, Bernklau teaches transmitting information associated with the device, including at least model information and retailer information of the device, language information of a driver of the device, and status information of the additional items (*Bernklau, Col 2 Lines 24- 29 and Table 1, information associated with the printer is gathered sent to a support server (agent)*).

**As to claim 19**, Bernklau teaches at least model information and retailer information of the device, language information of a driver of the device, and status information of the additional items (*Bernklau, Col 2 Lines 24- 29 and Table 1, information associated with the printer is gathered sent to a support server (agent)*).

**As to claim 20**, Bernklau teaches acquiring information associated with the device, and wherein the service providing apparatus is designated based on the information associated with the device (*Bernklau, Col 2 Lines 44-47, the service set is selected based on the acquired information from the printer*).

**As to claim 21**, Bernklau teaches an apparatus for requesting a service associated with additional items of a device via a network (*Bernklau, Col 2 Lines 14 - 20, requesting device support solutions for a printer on a network*), comprising: an acquisition unit adapted to acquire information associated with additional items from a device (*Bernklau,*

Col 2 Lines 24- 27, information associated with the printer is gathered); a transmission unit adapted to transmit the information associated with the additional items to a service agent apparatus (*Bernklau, Col 2 Lines 26-29, the printer sends the acquired information to the support server*); a first reception unit adapted to receive access information for accessing a service providing apparatus, which is designated by the service agent apparatus (*Bernklau, Col 2 Lines 62-65, the support server sends access information (links) to the solution service to the user*); a second reception unit adapted to receive page information used to provide a service according to the information associated with the additional items, wherein access to the service providing apparatus is based on the access information (*Bernklau, Col 2 Lines 48-65, pages are sent between the support server and the user. The support server sends access information (links) to the solution service to the user through a page displayed in a browser*); and a request unit adapted to request the service providing apparatus to provide a service based on the page information used to provide the service (*Bernklau, Col 14 Line 18, the user requests the desired solution service by choosing the appropriate link on the page*).

**As to claim 22,** Bernklau teaches an apparatus for providing a service associated with additional items of a device (*Bernklau, Col 2 Lines 14 - 23, requesting device support solutions for a printer on a network*), comprising: a reception unit adapted to receive information associated with additional items of a device from a client terminal via an agent apparatus and a network (*Bernklau, Col 2 Lines 24- 29 and Col 14 Line 18,*

information associated with the printer is gathered sent to a support server (agent) then to the service when the user chooses the link); a generation unit adapted to generate page information used to present a service providing page according to the information associated with the additional items of the device to the client terminal (*Bernklau, Col 2 Lines 48-65, pages are sent between the support server and the user. The support server constructs and sends access information (links) to the solution service to the user through a page displayed in a browser*); and a transmission unit adapted to transmit the page information generated by the generation unit to the client terminal via the network, wherein the service providing apparatus is designated based on information of the device from the client terminal (*Bernklau, Col 2 Lines 48-65, pages are sent between the support server and the user. The support server constructs and sends access information (links) to the solution service to the user through a page displayed in a browser*).

**As to claim 23,** Bernklau teaches an apparatus for controlling an agent apparatus, which mediates between a service providing apparatus that provides a service associated with additional items via a network and a service request apparatus that requests a service (*Bernklau, Col 2 Lines 14 - 23, requesting device support solutions for a printer on a network*), comprising: an acquisition unit adapted to acquire information associated with additional items from a device (*Bernklau, Col 2 Lines 24-27, information associated with the printer is gathered*); a generation unit adapted to generate access information required to access the service providing apparatus, which

provides a service based on the acquired information associated with the additional items (*Bernklau, Col 2 Lines 62-65, the support server sends access information (links) to the solution service to the user*); and a transmission unit adapted to transmit the generated access information to the service request apparatus (*Bernklau, Col 2 Lines 62-65, the support server sends access information (links) to the solution service to the user*).

**As to claim 24,** teaches a system for providing a service via a network (*Bernklau, Col 2 Lines 14 - 20, requesting/providing device support solutions for a printer on a network*), comprising: a acquisition unit adapted to acquire information associated with additional items from a device (*Bernklau, Col 2 Lines 24- 27, information associated with the printer is gathered*); a generation unit adapted to generate page information used to present a service providing page according to the information associated with the additional items of the device (*Bernklau, Col 2 Lines 48-65, pages are sent between the support server and the user. The support server constructs and sends access information (links) to the solution service to the user through a page displayed in a browser*); a reception unit adapted to receive page information used to provide a service according to the information associated with the additional items (*Bernklau, Col 2 Lines 48-65, pages are sent between the support server and the user. The support server sends access information (links) to the solution service to the user through a page displayed in a browser and the user receives the pages*); and a request unit adapted to request a service providing apparatus to provide a service based on the page

information used to provide the service (*Bernklau, Col 14 Line 18, the user requests the desired solution service by choosing the appropriate link on the page*).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AFSHAWN TOWFIGHI whose telephone number is (571)270-7296. The examiner can normally be reached on Monday - Friday 8:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on (571)272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/AT/ 1/10/2009

/THUHA T. NGUYEN/

Primary Examiner, Art Unit 2453